

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x	Case No. 07 Civ. 7723 (SHS)
HENNESSEE GROUP, LLC,	:
	:
Plaintiff,	:
-against-	:
	:
RICHARD ROGEL,	:
	:
Defendant.	:
-----x	<u>Declaration of Joel S. Stuttman</u>

JOEL S. STUTTMAN, Esq. declares under penalty of perjury that the following is true and correct:

1. I am a member of Joel S. Stuttman, P.C., the attorneys for the plaintiff and as such I am fully familiar with the facts of this case. I submit this declaration in opposition to the defendant's Motion to Dismiss the Complaint in Favor of Arbitration.

2. For the reasons set forth more fully in the accompanying Memorandum of Law the defendant's Motion to Dismiss the Complaint in Favor of Arbitration should be denied in its entirety.

Dated: White Plains, New York  
September 18, 2007

/S/ Joel S. Stuttman  
Joel S. Stuttman (JS 1197)

Joel S. Stuttman, P.C.  
303 Old Tarrytown Road  
White Plains, NY 10603  
Phone: (914) 948-8392  
Fax: (914) 948-6973

*Attorneys for Plaintiff  
Hennessee Group LLC*